



# California Regulatory Notice Register

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NOVEMBER 27, 2009

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

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### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission, pursuant to the authority vested in it by Sections 82011, 87303, and 87304 of the Government Code to review proposed conflict-of-interest codes, will review the proposed/amended conflict-of-interest codes of the following:

#### CONFLICT-OF-INTEREST CODES

##### AMENDMENT

STATE: Department of Insurance

A written comment period has been established commencing on **November 27, 2009**, and closing on **January 11, 2010**. Written comments should be directed to the Fair Political Practices Commission, Attention **Cynthia Fisher**, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for his review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **January 11, 2010**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

#### COST TO LOCAL AGENCIES

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

#### EFFECT ON HOUSING COSTS AND BUSINESSES

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

#### AUTHORITY

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

#### REFERENCE

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

#### CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Sarah Olson, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

#### AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to **Cynthia Fisher**, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

### **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

#### **Notice of Proposed Rulemaking**

The Department of Food and Agriculture proposes to amend Sections 3024, 3024.1, 3024.2, 3024.3 and 3024.4; and, adopt Sections 3024.5, 3024.6, 3024.7 and 3024.8 of the regulations in Title 3 of the California Code of Regulations pertaining to Registration and Certification of Grapevines.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 11, 2010.

#### **INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW**

Existing law provides that the Secretary may, for the purpose of promoting and protecting the agricultural industry of the State, upon request, inspect plants and the premises upon or near which they are growing and the records of their sources and qualities. The Secretary may upon the basis of the information thus determined, maintain registries of the plants which are found not to be infested or infected, or liable to become infested or infected, with pests (Section 5821, Food and Agricultural Code). The Secretary may also establish and enforce regulations which are necessary to carry out the purposes of this existing program (Section 5823, Food and Agricultural Code).

The proposed amendment of Sections 3024, 3024.1, 3024.2, 3024.3 and 3024.4; and, adoption of Sections 3024.5, 3024.6, 3024.7, and 3024.8 pertaining to Registration and Certification of Grapevines will provide an updated regulatory framework for an ongoing voluntary grapevine registration and certification program. The effect of this regulation will be to clarify the specific regulatory authority the Department has pertaining to the registration and certification of grapevines as to their variety, quality, and apparent freedom from pests and diseases.

#### **COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Secretary of Food and Agriculture has determined that the proposed regulations do not impose a mandate on local agencies or school districts. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will not affect housing costs.

#### **EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **ASSESSMENT**

The Department has made an assessment that the proposed amendment to the regulation would not: 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses within California; or, 3) affect the expansion of businesses currently doing business within California.

#### **ALTERNATIVES CONSIDERED**

The Secretary of the Department of Food and Agriculture must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

### **AUTHORITY**

The Department proposes to amend Sections 3024, 3024.1, 3024.2, 3024.3 and 3024.4; and, adopt Sections 3024.5, 3024.6, 3024.7, and 3024.8 pursuant to the authority vested by Sections 407 and 5823 of the Food and Agricultural Code of California.

### **REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5821 and 5822 of the Food and Agricultural Code.

### **EFFECT ON SMALL BUSINESS**

The amendment of this regulation may affect small businesses.

### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Susan McCarthy, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-210, Sacramento, California 95814, 916.654.1017, FAX 916.654.1018, e-mail: [smccarthy@cdfa.ca.gov](mailto:smccarthy@cdfa.ca.gov). In her absence, you may contact Liz Johnson at 916.654.1017. Questions regarding the substance of the proposed regulations should be directed to Susan McCarthy.

### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final

statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## **TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

### **Notice of Proposed Rulemaking**

The Department of Food and Agriculture amended Section 3588, subsection (a), of the regulations in Title 3 of the California Code of Regulations pertaining to Mexican Fruit Fly Eradication Area as an emergency action that was effective on August 27, 2009. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than February 23, 2010.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before January 11, 2010.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread, and the feasibility of its control or eradication (Food and Agricultural Code Section 5321).

Existing law also provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and other such regulations as he deems necessary to protect the agricultural industry from the introduction and spread of pests (Food and Agricultural Code, Sec-



tions 401, 403, 407 and 5322). Existing law also provides that eradication regulations may proclaim any portion of the State as an eradication area and set forth the boundaries, the pest, its hosts, and the methods to be used to eradicate said pest (Food and Agricultural Code Section 5761).

Section 3588, subsection (a), was amended and established Sacramento and Yolo Counties as an eradication area for Mexican fruit fly, *Anastrepha ludens*. The effect of this action was to establish authority for the State to conduct eradication activities in Sacramento and Yolo Counties against this pest. There is no existing, comparable federal regulation or statute.

#### **COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department of Food and Agriculture has determined that Section 3588 does not impose a mandate on local agencies or school districts and no reimbursement is required for Section 3588 under Section 17561 of the Government Code. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed actions will not affect housing costs.

#### **EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed actions will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### **ASSESSMENT**

The Department has made an assessment that the proposed adoption and amendment to the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

#### **ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons than the proposed actions.

#### **AUTHORITY**

The Department proposes to amend Section 3588, subsection (a), pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

#### **REFERENCE**

The Department proposes to amend Section 3588, subsection (a), to implement, interpret and make specific Sections 407, 5322, 5761, 5762 and 5763 of the Food and Agricultural Code.

#### **EFFECT ON SMALL BUSINESS**

The proposed amendment of this regulation may affect small businesses.

#### **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is: Susan McCarthy, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, 916.654.1017, FAX 916.654.1018, e-mail: smccarthy@cdfa.ca.gov. In her absence, you may contact Liz Johnson at 916.654.1017. Questions regarding the substance of the proposed regulation should be directed to Susan McCarthy.

#### **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website (<http://www.cdfa.ca.gov/phpps/Regulations.html>).

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations amended by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of amendment. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 4. CALIFORNIA HORSE RACING BOARD

#### CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1685. EQUIPMENT REQUIREMENT

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1685, Equipment Requirement, to change the specifications for the type of whip that may be used in flat racing.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, January 14, 2010**, or as soon after that as business before the Board will permit, at the **California Horse Racing Board Headquarters Office, 1010 Hurley Way, Suite 300, Sacramento, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is

requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on January 11, 2010**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420 and 19440, Business and Professions Code. Reference: Sections 19441.2 and 19481, Business and Professions Code.

Business and Professions Code sections 19420 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19441.2 and 19481, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that the Board shall have jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 states the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Chapter 4, Business and Professions Code. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19441.2 states in its annual report required under section 19441, the Board shall include recommendations concerning the worker safety impacts of improvements in jockey equipment. Business and Professions Code section 19481 provides that in performing its responsibilities, the Board shall estab-

lish safety standards governing equipment for horse and rider.

The Jockeys' Guild (Guild) and other industry representatives requested that the Board amend its regulations governing whips to approve the use of a "kinder" alternative whip. While the current CHRB rules on the use and construction of whips are designed to prevent abuses, the Guild representatives explained that the newly designed whip would take another step to promote the health and safety of racehorses. The alternative whip was described as being "kinder" to horses due to its materials and construction. The most notable difference between traditional whips and the alternative whip was the addition of a softer, padded material on the tip that was rounded without hard edges. The whip was described as "equine friendly" and the Guild representative stated it was preferred by most jockeys.

The Board proposes to amend Rule 1685 to define the allowable whips used in flat racing. A new subsection 1685(b) states whips allowed for use in flat racing shall be unaltered from the original manufacturer. This is to prevent jockeys from using whips that originally complied with the standards set forth in Rule 1685, but that have been altered. The only reason to alter a whip would be to circumvent the Board's requirements to gain an advantage. Subsection 1685(b) also stated a whip shall be no longer than 30 inches and weigh no more than 8 ounces. The required weight has not changed, as Rule 1685 currently states a whip may not weigh more than one half pound. The length has been amended to a maximum of 30 inches. This is in accordance with the length of flat racing whips recommended in the Association of Racing Commissioners International model rule, and it is only one inch shorter than the whip currently specified in Rule 1685.

A new subsection 1685(b)(1) states that the minimum diameter of the whip shall be 0.5 inches, with a smooth, padded contact area, and no protrusions or raised surfaces. The half inch width makes the whip less flexible, which causes the rider to rely more on the flap or "popper," so it is the sound made by the flap that causes the whip to be effective, rather than any pain inflicted by the whip striking the horse. A padded shaft with no protrusions will also not cause injury should the shaft come into contact with the horse. Some traditional whips have "feathers" on the end of the shaft where they may come into contact with the horse. These "feathers" are usually made of leather and because they are flexible they could sting the horse and/or possibly leave welts.

Subsection 1685(c) states the only allowed attachment to the shaft is the flap, or popper, which shall not extend more than one inch beyond the shaft. This configuration decreases the flexibility of the flap so when it comes in contact with the horse it does not cause welts or pain, but instead makes a noise or "pop." This is de-

sirable because the noise made by the flap is what motivates the horse, rather than the physical sensation.

Subsection 1685(c)(1) describes the flap, or popper, which is attached to the shaft of the whip. The width of the flap shall be no less than 1 inch, or more than 1.5 inches, and it shall have a minimum length of 7 inches. The minimum circumference of the flap shall be 3 inches. This describes a flat, wide, smooth surface that is meant to make a popping noise when it comes in contact with the horse's hindquarters. Subsection 1685(c)(1) states the flap shall have no reinforcements or additions beyond the end of the shaft, and no binding within 7 inches of the end of the shaft. This ensures that the flap will not have additions that may cause injury to the horse, and that the binding that connects the flap to the shaft will not decrease the flap's width.

Subsection 1685(c)(2) describes the materials that may be used to make a flap. The flap shall have an inner layer consisting of memory foam, closed cell foam, or a similar shock-absorbing material, and an outer layer that is dark in color and made of a material that does not harden over time. These layers shall be folded over and sewn down each side. This creates a flap that gives and absorbs some of the shock when it hits the horse, so it is less likely to cause injury. A darker color for the outer layer makes the flap less likely to spook other horses. During the conduct of a race other horses will be within eyesight of the whip as it is used, and light colored flaps may cause problems. Whips currently authorized for use in California flat racing have flaps that are commonly made of a flat piece of leather. When new, such flaps may not cause injury to the horse; however, over time, the leather tends to harden and become brittle. It is the hard, brittle leather that causes injury to the horse. Subsection 1685(c)(2) requires that the flap material not harden over time, which will result in fewer injuries to the horse.

All other changes to Rule 1685 are for the purposes of clarity and consistency.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.  
Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1685 will not have a significant, statewide adverse economic impact directly



affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1685 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule 1685 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

#### BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 4. CALIFORNIA HORSE RACING BOARD

### CALIFORNIA CODE OF REGULATIONS

#### NOTICE OF PROPOSAL TO AMEND RULE 1632. JOCKEY'S RIDING FEE

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1632, Jockey's Riding Fee, to increase the scale of minimum jockey riding fees for losing mounts by \$10.00 per mount. In addition, the Board proposes to increase by \$10.00 the minimum amount awarded to jockeys who finish second or third in gross purse categories of \$9,999 or less. The proposed amendment also eliminates the gross purse categories in the \$599 to \$1,499 range.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, January 14, 2010**, or as soon after that as business before the Board will permit, at the **California Horse Racing Board Headquarters Office, 1010 Hurley Way, Suite 300, Sacramento, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on January 11, 2010**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6397  
Fax: (916) 263-6022  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19440, 19501 and 19562, Business and Professions Code. Reference: Sections 19401(a) and (e), 19420, 19440 and 19501, Business and Professions Code.

Business and Professions Code sections 19440, 19501 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19401(a) and (e), 19420, 19440 and 19501, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19401(a) and (e) provides that the intent of chapter 4 is to allow pari-mutuel wagering on horse races, while assuring protection of the public and providing uniformity of regulation for each type of horse racing. Business and Professions Code section 19420 states jurisdiction and supervision over meetings in California where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board. Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of this chapter, under which all horse races with wagering on their results shall be conducted in California. Assembly Bill (AB) 649, Chapter 605, Statutes of 2007, added section 19501 to the Business and Professions Code. Section 19501(b)(1) provides that effective January 1, 2010, the scale of minimum jockey riding fees for losing mounts established by the Board shall be increased by ten dollars per mount from the rate in effect on December 31, 2009. Section 19501(b)(2) provides that effective January 1, 2010, the minimum amount awarded to the jockey who finishes second or third in a race shall be in-

creased by ten dollars over the amount required to be paid on December 31, 2009. Section 19501(b)(2) applies to races in which the purse is \$9,999 or less.

Business and Professions Code section 19501 requires an increase in the scale of minimum jockey riding fees for losing mounts, as well as increases for jockeys who finish second or third in races with purses of \$9,999 or less. This necessitates the amendment of Board Rule 1632, which provides jockey riding fees in the absence of a contract or special agreement between the trainer/owner and jockey. The Board proposes to increase by \$10.00 the minimum jockey riding fee for losing mounts, and for second and third place mounts with purses of \$9,999 or less.

The proposed amendment to Rule 1632 also modifies subsections 1632(a) and 1632(b) eliminating the gross purse categories of \$599 to \$1,499, as well as the jockey riding fees for such purses. Gross purses in California no longer fall as low as \$1,499, or below. In 2009 the bottom line for gross purses was \$3,100 to \$3,300 at racing fair meetings. This makes it no longer necessary to list jockey riding fees or gross purses in the \$1,499 to \$599 range.

All other changes to Rule 1632 are for the purposes of clarity and consistency.

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17500 through 17630: none.

Other non-discretionary costs or savings imposed upon local agencies: none.

Cost or savings in federal funding to the state: none.

The Board has made an initial determination that the proposed amendment of Rule 1632 will not have a significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

Cost impact on representative private persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

The adoption of the proposed amendment of Rule 1632 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion

of businesses currently doing business within California.

Effect on small businesses: none. The proposal to amend Rule does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome on affected private persons than the proposed action.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 263-6397  
E-mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden, Regulation Analyst  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

## AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## AVAILABILITY OF STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

## BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

## TITLE 16. CALIFORNIA ARCHITECTS BOARD

### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Architects Board, 2420 Del Paso Road, Suite 105, Sacramento, California, at 2:00 p.m. on January 12, 2010. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office at the above address not later than January 11, 2010 at 5:00 p.m. or at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the propos-

al substantially as described below or may modify such proposal if such modification is sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **Authority and Reference**

Pursuant to the authority vested by Section 5526 of the Business and Professions Code, and to implement, interpret, or make specific Section 5604 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5604 authorizes the Board to fix fees for architect applicants or architect licensees.

### **Amend Section 144 — Fee**

Existing regulations specify fees fixed by the California Architects Board for architect applicants and licensees. This proposal would: 1) amend the biennial license renewal and original license fees for architects from \$200 to \$350; and 2) amend the license renewal delinquency fee from \$50 to \$100.

### FISCAL IMPACT ESTIMATES

#### **Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State**

None

#### **Nondiscretionary Costs/Savings to Local Agencies**

None

#### **Local Mandate**

None

#### **Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Requires Reimbursement**

None

#### **Business Impact**

The Board has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses



to compete with business in other states, because it affects only licensees.

**Impact on Jobs/New Businesses**

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because it affects only licensees.

**Cost Impact on Representative Private Person or Business**

The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

- 1) Original licensure fee would increase by \$150
- 2) Biennial license renewal fee would increase by \$150
- 3) License renewal delinquency fee would increase by \$50

**Effect on Housing Costs**

None

**Effect on Small Business**

The proposed regulatory action will not affect small businesses, because it affects only licensees.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS  
AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California,

95834, or by telephoning the contact person listed below.

AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS AND  
RULEMAKING FILE

All of the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the Web site listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

California Architects Board  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
Attn: Anthony Lum  
(916) 575-7221  
(916) 575-7283 (FAX)  
Anthony\_Lum@dca.ca.gov

The backup contact person is:

Justin Sotelo  
2420 Del Paso Road, Suite 105  
Sacramento, CA 95834  
(916) 575-7212  
(916) 575-7283 (FAX)  
Justin\_Sotelo@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Anthony Lum at (916) 575-7221.

**Web site Access**

Materials regarding this proposal can be found at [www.cab.ca.gov](http://www.cab.ca.gov).

**TITLE 17. CALIFORNIA INSTITUTE  
FOR REGENERATIVE MEDICINE**

**California Code of Regulations  
Title 17.—Public Health  
Division 4 — California Institute for  
Regenerative Medicine  
Chapter 2**

**NOTICE OF PROPOSED REGULATION AMENDMENTS**

**Date: November 27, 2009**

**Deadline for Submission of Written Comment: January 11, 2010 — 5:00 p.m. Hearing Date: None scheduled.**

**Subject Matter of Proposed Regulation Amendments: Acceptable Research Materials**

**Sections Affected:**

The proposed action amends section 100080 of Title 17 of the California Code of Regulations.

**Authority:** Article XXXV of the California Constitution and sections 125290.35, subdivisions (a), (b)(1), (2), (3), (4), (5) and (6); and 125290.40, subdivision (j), Health and Safety Code.

**Reference:** Sections 125290.35, 125290.40, 125290.55 and 125300 Health and Safety Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in early 2005 with the passage of Proposition 71, the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The independent Citizens Oversight Committee (“ICOC”) is the 29-member governing board for the Institute. ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The Scientific and Medical Accountability Standards Working Group (“Standards Working Group” or “SWG”) makes recommendations to the ICOC on scientific, medical and ethical standards pertaining to stem cell research the Institute funds. Specifically, California Health and Safety Code section 125290.55 requires the Standards Working Group to: 1) recommend to the ICOC scientific, medical and ethical standards; 2) recommend to the ICOC standards for all medical, socioeconomic, and financial aspects of clinical trials and therapy delivery to patients, including, among others, standards for safe and ethical procedures for obtaining materials and cells for research and clinical efforts for the appropriate treatment of human subjects in medical research consistent with paragraph (2) of subdivision (b) of Section 125290.35, and to ensure compliance with patient privacy laws; 3) recommend to the ICOC modification of the standards described in num-

bers (1) and (2) as needed; 4) make recommendations to the ICOC on the oversight of funded research to ensure compliance with the standards described in numbers (1) and (2); and, 5) advise the ICOC, the Scientific and Medical Research Funding Working Group, and the Scientific and Medical Research Facilities Working Group on an on-going basis on relevant ethical and regulatory issues.

On March 12, 2009, the ICOC approved a motion to initiate the rulemaking (OAL) process to amend CIRM Medical and Ethical Standards regulations. These amendments, which were approved on 3/12/09, were designed to support iPS experiments using somatic cells and utilization of certain embryos for CIRM-funded research.

On May 22, 2009, CIRM provided public notice of the proposed regulatory amendments and received public comment. On September 18, 2009 and October 12, 2009, the Standard Working Group met to consider regulatory amendments in response to public comments. Some of these amendments are currently being implemented in a parallel regulatory amendment package that amends sections 100070 and 100090. The amendments to section 100080, the subject of this action, are designed to accomplish the following:

Authorize the use of embryos donated by IVF patients where the gamete donors received compensation for reproductive purposes and the use of somatic cells for which donors have received IRB-approved compensation for inconvenience, provided that CIRM funds have not been used.

**Technical, Theoretical or Empirical Studies, Reports or Documents:**

**A. Documents or Laws:**

None.

**B. Public Input:**

Discussion and public input received at public meetings conducted by the Standards Working Group on September 18 and October 12, 2009, and the ICOC on October 27, 2009.

Copies of the documents referenced above are available at the internet link indicated or at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in Section “B” are available on CIRM’s website, [www.cirm.ca.gov](http://www.cirm.ca.gov) under the “Meetings Transcripts” and “Meetings Minutes” links.

**Submittal of Comments:**

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on January 11, 2010. Comments regarding this proposed action may also be

transmitted via e-mail to mescomments@cirm.ca.gov or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than December 28, 2009.

**Effect on Small Business:**

CIRM has determined that the proposed regulatory action has no impact on small businesses. The proposed amendments implement conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private non-profit institutions, as well as large for-profit institutions. As such, the regulation is not expected to adversely impact small business as defined in Government Code section 11342.610.

**Impact on Local Agencies or School Districts:**

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

**Costs or Savings to State Agencies:**

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

**Effect on Federal Funding to the State:**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory action.

**Effect on Housing Costs:**

CIRM has made an initial determination that the proposed action will have no effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Businesses:**

CIRM has made an initial determination that this regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**Cost Impacts on Representative Private Persons or Businesses:**

CIRM has made an initial determination that the regulatory action will not have a significant cost impact on

representative private persons or businesses. CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Impact on the Creation, Elimination, or Expansion of Jobs:**

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**Consideration of Alternatives:**

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

**Availability of Statement of Reasons and Text of Proposed Regulations:**

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**Availability of Changed or Modified Text:**

After the close of the comment period, CIRM may make the proposed regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the proposed amendments to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

**Agency Contact:**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Counsel  
California Institute for Regenerative Medicine  
210 King Street  
San Francisco, CA 94107  
(415) 396-9100

Questions on the substance of the proposed regulatory action may be directed to:

Geoff Lomax, Senior Officer for Medical  
and Ethical Standards  
California Institute for Regenerative Medicine  
(415) 396-9134

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, [www.cirm.ca.gov](http://www.cirm.ca.gov).

**Availability of Final Statement of Reasons:**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at [www.cirm.ca.gov](http://www.cirm.ca.gov).

**TITLE 17. CALIFORNIA INSTITUTE  
FOR REGENERATIVE MEDICINE**

**California Code of Regulations  
Title 17.—Public Health**

**Division 4 — California Institute for Regenerative  
Medicine  
Chapter 8**

**NOTICE OF PROPOSED REGULATION AMENDMENTS**

**Date:** November 27, 2009

**Deadline for Submission of Written Comment:**  
January 11, 2010 — 5:00 p.m.

**Hearing Date:** None scheduled.

**Subject Matter of Proposed Regulations:** Grant  
Administration Policy for Loan Recipients

**Sections Affected:**

The proposed regulation adopts section 100800 of Title 17 of the California Code of Regulations.

**Authority:** Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (j).

**Reference:** Sections 125290.40, 125290.70, 125292.10, Health and Safety Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

The California Institute for Regenerative Medicine ("Institute" or "CIRM") was established in early 2005

with the passage of Proposition 71 (the "Act"), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens' Oversight Committee ("ICOC") is the 29-member governing board for the Institute. The ICOC members are public officials, appointed on the basis of their experience earned in California's leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The Act charges the ICOC with developing standards and criteria to make grant and loan awards and to develop standards and criteria for proper oversight of these grants and loans.

Public-private partnerships involving research and development activities among industry, government, and universities can play an instrumental role in introducing key new technologies and valuable products to the commercial marketplace. Experience shows that partnerships involving government participation in research and development activities with industry, universities, and government laboratories can greatly facilitate the translation of basic research discoveries to products with societal benefits.

The mission of the CIRM is to foster and promote stem cell research with the aim of improving human health. A secondary goal is to strengthen California's biotechnology industry and create collateral economic benefits such as high-paying jobs and increased tax revenues. CIRM believes that the funding of commercial research organizations focused on stem cell-related projects is a key component to achieving the overall mission of the Institute. Increased interest by the commercial research sector in stem cell-related research projects and the successful translation of basic research discoveries into commercial products for public use are primary success indicators (among others) that can be used by CIRM to track benefits of commercial sector funding.

To achieve the goal of commercializing stem cell research-related products, CIRM will fund non-profit and for-profit (commercial) research institutions in California via options that include grants and loans. As required by law, all CIRM-funded research activities must be conducted in the State of California. The goal of a loan program is to fund the translation of research into research tools, medical diagnostics and devices, and therapeutic products. These loans will be targeted at



the funding gaps in product development that will serve to leverage participation by follow-on investors, such as venture capital and other capital markets, and result in more products that enter the market. For the State and CIRM, the advantage of a loan program versus a grant is the ability to recycle CIRM research funds, potentially enlarging the return for each CIRM research dollar expended. In addition to loan principal and interest, loans may also feature warrant coverage, depending on the type of loan, which will constitute additional interest-based return on the investment in light of risk posed.

Early stage companies and pre-commercialization entities would be the prime targets for a loan program in light of the lack of funding available in what is known as the “valley of death” for translational development of products. Established companies indicate a loan program would be valuable because there are more research and product development projects worthy of pursuit than can be funded with existing funds available to the companies.

The document incorporated by reference, the Loan Administration Policy (LAP) (June 15, 2009) works from the Non-Profit Grants Administration Policy (Regulation 100500) and setting out the modified policies that apply to CIRM loan funding of for-profit organizations. Note that this LAP does not incorporate the For-Profit GAP, which continues to apply to for-profit organizations to the extent that CIRM funds them through grants. Where differences between grants and loans warrant different treatment, this LAP provides the modified sections that apply to loans. All other provisions of the Non-Profit GAP apply to loans. When Non-Profit GAP provisions are applied to loans, “Loan” replaces “Grant” and “Loan Recipient” replaces “Grantee.”

The LAP defines terms unique to the loan environment and describes the types of support that may be provided for-profit applicants and various roles and responsibilities. The LAP also describes the Loan Application and Review Process, Payment and Use of Funds requirements, circumstances requiring prior CIRM approval for changes in the funded research, various reporting requirements and Loan Terms. The LAP defines recourse versus non-recourse loan circumstances, interest rate, warrant coverage, loan period, repayment of loan, loan acceleration, change of control, follow-on financing, relinquishment or termination of the loan, pivotal trial triggers, and suspension of loan repayment or forgiveness.

#### **Technical, Theoretical or Empirical Studies, Reports or Documents:**

##### **A. Documents or Laws:**

- Title 2, California Code of Regulations, section 100500 — Grants Administration

Policy for Non-Profit and Academic Institutions

([http://www.cirm.ca.gov/reg/pdf/reg100500\\_policy.pdf](http://www.cirm.ca.gov/reg/pdf/reg100500_policy.pdf))

##### **B. Public Input:**

Discussion and public input received at the following public meetings conducted by the Loan Task Force on 12/11/07, 1/16/08, 2/19/08, 3/11/08, 5/6/08; by the Finance Subcommittee on 9/20/08, 11/19/08; and ICOC on 8/13/08, 9/25/08, 1/30/09.

Copies of the documents referenced above are available at the internet link indicated or at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in Section “B” are available on CIRM’s website, [www.cirm.ca.gov](http://www.cirm.ca.gov) under the “Meetings Transcripts” and “Meetings Minutes” links.

##### **Submittal of Comments:**

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on January 11, 2010. Comments regarding this proposed action may also be transmitted via e-mail to [loanpolicy@cirm.ca.gov](mailto:loanpolicy@cirm.ca.gov) or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person’s representative requests a public hearing, he or she must do so in writing no later than December 28, 2009.

##### **Effect on Small Business:**

CIRM has determined that the proposed regulatory action has no impact on small businesses. The regulation implements conditions on awarding grants for stem cell research. This research is conducted almost exclusively by large public and private nonprofit institutions, as well as large for-profit institutions. As such, the regulation is not expected to adversely impact small business as defined in Government Code section 11342.610.

##### **Impact on Local Agencies or School Districts:**

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a “new program or higher level of service of an existing program” within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

**Costs or Savings to State Agencies:**

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

**Effect on Federal Funding to the State:**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory action.

**Effect on Housing Costs:**

CIRM has made an initial determination that the proposed action will have no effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Businesses:**

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

**Cost Impacts on Representative Private Persons or Businesses:**

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Impact on the Creation, Elimination, or Expansion of Jobs:**

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

**Consideration of Alternatives:**

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

**Availability of Statement of Reasons and Text of Proposed Regulations:**

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed ac-

tion, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**Availability of Changed or Modified Text:**

After the close of the comment period, CIRM may make the regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

**Agency Contact:**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Counsel to the Chair  
ICOC  
California Institute for Regenerative Medicine  
210 King Street  
San Francisco, CA 94107  
(415) 396-9100

Questions on the substance of the proposed regulatory action may be directed to:

Ian Sweedler  
California Institute for Regenerative Medicine  
(415) 396-9122

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, [www.cirm.ca.gov](http://www.cirm.ca.gov).

**Availability of Final Statement of Reasons:**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at [www.cirm.ca.gov](http://www.cirm.ca.gov).

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND GAME

#### CONSISTENCY DETERMINATION

**Fish and Game Code Section 2080.1**

**Tracking Number 2080-2009-017-02**

**PROJECT:** Pease-Marysville 60 kV Transmission Line Reconstruction  
**LOCATION:** Sutter and Yuba Counties  
**NOTIFIER:** Pacific Gas and Electric Company (PG&E)

#### BACKGROUND

Pacific Gas and Electric Company (PG&E) proposes to reconstruct an existing 8.3-mile 60 kV transmission line between the Pease and Marysville substations in the Yuba City and Marysville area (the Project). The existing facility consists of a single-circuit wood pole line and is generally located along Pease Road, Laurellen Road, and the State Route/Levee Road, and traverses several agricultural operations, the Feather River, and Jack Slough. The Project will reconfigure the existing transmission line to a double-circuit wood and tubular steel pole line. Project area land use includes agricultural land (including orchard and rice), rural residential, new suburban residential, and natural habitat (including riparian forest and wetland habitats) associated with Jack Slough and the Feather River.

The Project consists of removing all 155 existing 40- to 85-foot high wooden poles that support the current 60 kV transmission line and replacing most of them with wood poles that are up to 10 feet taller. Angle points and select equipment poles would also be replaced and tubular steel poles, which range from 60 to 105 feet, would be installed for strength and to eliminate the need for guying. Approximately 125 wood poles and 35 tubular steel poles are proposed as replacements.

Several conductor pulling and "take up" sites approximately 30 x 50 feet are planned along the Project area. The Project also includes a 15-acre lay down site on the east side of East Onstott Road just north of the intersection of East Onstott and Pease Road, where equipment will be staged. Pulling equipment includes wire trailers, tension trucks and take-up trucks. Two sections of the line, one at the Feather River corridor (poles 2/40 to 2/520) and one in the area of Jack Slough and rice cropland west of Highway 70 (poles 3/76-5/112) will

employ the use of a helicopter as part of the conductor pulling process.

Proposed work activities have the potential to affect giant garter snake (*Thamnophis gigas*) (hereafter GGS) where activities would take place within 200 feet of suitable permanent water habitat. These work activities include installing guard structures, accessing towers and worksites, and using work sites for pulling conductor. GGS is listed as a threatened species under the federal Endangered Species Act (ESA) (16 U.S.C., § 1531, *et seq.*) and a threatened species under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050, *et seq.*). The presence of GGS has been documented about 2.5 miles northwest of the western terminus of the project and there is suitable GGS habitat within and adjacent to the Project area, including drainages, canals, rice cropland and in Jack Slough.

The Project will result in permanent loss of 0.002 acre of upland GGS habitat. The Project will also result in temporary loss of 13.01 acres of aquatic GGS habitat (including rice fields), and 4.53 acres of upland GGS habitat between May 1 and October 1. Because of the proximity of the nearest documented GGS, dispersal patterns of GGS, and the presence of suitable habitat within the Project area, the U.S. Fish and Wildlife Service (Service) determined GGS is reasonably certain to occur within the Project area and could be incidentally taken as a result of Project activities.

Because of the Project's potential for incidental take of GGS, the U.S. Army Corps of Engineers (Corps) consulted with the Service, as required by ESA. On February 12, 2009, the Service issued a letter (Service file No. 81420-2009-F-0412-1) to the Corps (hereafter, the Append Letter), appending the Project to the Service's 1997 *Programmatic Formal Consultation for U. S. Army corps of Engineers 404 Permitted Projects with Relatively Small Effects on the Giant Garter Snake within Butte, Colusa, Glenn, Fresno, Merced, Sacramento, San Joaquin, Solano, Stanislaus, Sutter and Yolo Counties, California* (Service file No 1-1-F-97-149) (Programmatic BO). The Append Letter describes Project actions and requires PG&E to comply with terms of the Programmatic BO and its incidental take statement (ITS) and incorporates additional measures. On September 30, 2009 the U.S. Fish and Wildlife Service (Service) issued an amendment (Service File 81420-2009-F-0412-R001) (Amendment) to the Append Letter that includes changes to the project description and proposed conservation measures, and corrects a minor error in the Append Letter.

Because GGS is also listed as a threatened species pursuant to CESA, on October 14, 2009 (in a letter dated October 9, 2009), ICF Jones and Stokes, on behalf of PG&E, notified the Director of the Department of Fish and Game (DFG) that PG&E was requesting a de-



termination, pursuant to Fish and Game Code section 2080.1, that the Append Letter and Amendment, now a part of the Programmatic BO and its related ITS is consistent with CESA for purposes of the Project.

### DETERMINATION

DFG has determined that the Programmatic BO, including the ITS, Append Letter, and Amendment, is consistent with CESA as to the Project because the mitigation measures contained in the Programmatic BO, ITS, Append Letter, and Amendment meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, DFG finds that take of GGS will be incidental to an otherwise lawful activity, the mitigation measures identified in the Programmatic BO, ITS, Append Letter and Amendment will minimize and fully mitigate the impacts of the authorized take; and construction of the Project will not jeopardize the continued existence of GGS. The mitigation measures in the Programmatic BO, ITS, Append Letter and Amendment include, but are not limited to, the following:

#### Minimization, Mitigation, and Monitoring Measures

- PG&E shall provide mitigation for temporary impacts in accordance with the requirements in the Programmatic BO for Level 1 mitigation by restoring 13.01 acres of aquatic habitat for GGS and 4.53 acres of upland habitat for GGS to pre-Project conditions within one season.
- Prior to construction activities, PG&E shall purchase 0.006 acre of GGS upland habitat at a Service-approved GGS conservation bank, and shall provide documentation of the purchase to the Corps, the Service, and DFG.
- PG&E shall conduct construction activities within habitat areas for GGS between May 1 and October 1. This is the active period for GGS and the threat of direct mortality is decreased because GGS are expected to move actively away from the danger.
- At least four weeks prior to construction in GGS habitat, PG&E shall provide the project Storm Water Pollution Prevention Plan (SWPPP) to the Service and DFG for review and approval. The SWPPP shall include measures that shall be followed to restore GGS habitat to pre-Project conditions, including quantifiable success criteria and a contingency provision (including follow-up monitoring) in the event revegetation goals are not met after the initial restoration/monitoring effort.
- If GGS are encountered during pre-construction or construction surveys, PG&E shall cease activities until appropriate corrective measures

have been completed or it has been determined that GGS shall not be harmed. PG&E shall immediately report any sightings or incidental take to DFG by telephone at (916) 358-2900 and to the Service by telephone at (916) 414-6600.

#### Financial Assurances

- PG&E shall provide, subject to approval by DFG, a cost estimate associated with the SWPPP for implementation of the restoration measures that would return areas of GGS habitat to pre-Project conditions.
- Upon approval of the cost estimate and prior to the initiation of Project activities, PG&E shall provide a financial commitment (i.e. letter of credit, letter of security) in a form approved by DFG, to DFG to ensure performance of the restoration and monitoring measures within the SWPPP.

#### Take Avoidance Measures

- PG&E shall limit site disturbance for construction and access and implement specific protections for sensitive areas containing potentially suitable habitat for GGS. Measures limiting site disturbance include installing protective fencing for sites immediately adjacent to construction activities and using flagging to identify avoidance areas along access roads.
- PG&E shall provide environmental awareness training to all construction personnel before construction begins. The training shall include a GGS description and discussion of required GGS protection measures.
- PG&E shall store, service, and refuel all equipment in upland areas well away from designated wetland habitats, and maintain such equipment to prevent leaks of fuels, lubricants, or other fluids into Jack Slough or other wetlands.
- PG&E shall ensure that unattended open trenches and excavations are properly covered and/or fenced to prevent wildlife entrapment. PG&E shall provide a soil escape ramp to facilitate the escape of any trapped wildlife.
- PG&E shall ensure that a qualified biological monitor is present on site during all work within GGS habitat.
- PG&E shall ensure all construction personnel visually check for wildlife beneath vehicles and equipment before moving or operating them.
- PG&E shall limit all work activities within GGS habitat areas to daylight hours in order to maximize species detection and avoidance.
- PG&E shall ensure that after April 15 any dewatered habitat remains dry for at least 15



consecutive days before excavating or filling the dewatered habitat.

#### Notification and Reporting

- PG&E shall provide post-construction monitoring reports to DFG and the Service for restoration of GGS habitat as specified for Level 1 impacts in the Programmatic BO. The reports shall include photo documentation of all GGS habitat before and after construction.
- The SWPPP requires temporary and permanent stabilization best management practices (BMP) after active construction is completed. Inspection activities shall continue until adequate permanent stabilization has been established and shall continue in areas where revegetation is chosen until minimum vegetative coverage has been established. Although not a condition of the BO and the Programmatic BO, DFG requests a copy of the inspection report. The report shall include dates construction occurred and document the success of revegetation and restoration.

Pursuant to Fish and Game Code section 2080.1, incidental take authorization under CESA will not be required for incidental take of GGS for the Project, provided PG&E implements the Project as described in the Append Letter and Amendment and complies with the mitigation measures and other conditions described in the Programmatic BO and ITS. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Append Letter, Amendment, or the Programmatic BO including its ITS, PG&E will be required to obtain a new consistency determination or a CESA incidental take permit from DFG. This determination is limited to consistency of the Programmatic BO as applied specifically to the subject Project, and does not cover other activities that might be appended to the Programmatic BO in the future. Separate determination(s) or take authorization(s) must be obtained for future activities that may result in take of CESA listed species.

### PROPOSITION 65

#### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

#### NOTICE OF INTENT TO LIST CARBARYL AND SPIRODICLOFEN November 27, 2009

A chemical may be listed under the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as Proposition 65, codified at Health and Safety Code section 25249.5 et seq.) when a body considered to be authoritative by the state's qualified experts has formally identified the chemical as causing cancer or reproductive toxicity.<sup>1</sup> The following entities are identified as authoritative bodies for this purpose: the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer, the U.S. Food and Drug Administration, the National Institute for Occupational Safety and Health, and the National Toxicology Program.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency intends to list the chemicals, *Carbaryl* (CAS No. 63-25-2) and *Spirodiclofen* (CAS No. 148477-71-8) as known to the State to cause cancer, pursuant to this administrative mechanism.

Relevant information related to the possible listing of *Carbaryl* and *Spirodiclofen* was requested in a notice published in the *California Regulatory Notice Register* on December 5, 2008 (Register 2008, No. 49-Z). OEHHA received and responded to public comments.

OEHHA has determined that *Carbaryl* meets the regulatory criteria for listing based on the findings of the U.S. EPA (U.S. EPA, 2002; 2007a; 2007b) and *Spirodiclofen* meets the criteria for listing based on the findings of the U.S. EPA (U.S. EPA, 2004). OEHHA is therefore issuing this notice of intent to list *Carbaryl* and *Spirodiclofen* under Proposition 65. A document providing more detail on the scientific basis for the listings of *Carbaryl* and *Spirodiclofen* can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov/>.

Comments as to whether *Carbaryl* and *Spirodiclofen* meet the regulatory criteria for listing, along with any supporting documentation, may be transmitted via email addressed to [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov) or to:

<sup>1</sup> Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306 (formerly Title 22, Cal. Code of Regs., section 12306).

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

In order to be considered, **comments must be received at OEHHA by 5:00 p.m. Monday, January 11, 2010.**

#### REFERENCE

U.S. Environmental Protection Agency (U.S. EPA, 2002). *Memorandum: Carbaryl — Report of the Cancer Assessment Review Committee*. Health Effects Division. Office of Pesticide Programs. February 12, 2002.

U.S. Environmental Protection Agency (U.S. EPA, 2004). *Memorandum: Spirodiclofen: Report of the Cancer Assessment Review Committee. PC Code 124871*. Health Effects Division. Office of Pesticide Programs. June 10, 2004.

U.S. Environmental Protection Agency (U.S. EPA, 2007a). *Memorandum: Carbaryl. HED Chapter of the Reregistration Eligibility Decision Document (RED). PC Code: 056801, DP Barcode: D334770*. Health Effects Division. Office of Pesticide Programs. June 29, 2007.

U.S. Environmental Protection Agency (U.S. EPA, 2007b). *Reregistration Eligibility Decision for Carbaryl*. Office of Pesticide Programs. September 24, 2007.

### DECISION NOT TO PROCEED

#### BOARD OF PSYCHOLOGY

#### NOTICE OF DECISION NOT TO PROCEED WITH RULEMAKING ACTION

The Board of Psychology has decided not to proceed with its rulemaking action described in the Notice published in the California Regulatory Notice Register on June 26, 2009, OAL File #Z-2009-0617-02, concerning Title 16, section 1386, Criteria for Evaluation of Education.

For additional information, please contact:

Name: Linda Kassis, Administrative  
Services Coordinator  
Board: Board of Psychology  
Address: 2005 Evergreen Street, Suite  
1400  
Sacramento, CA 95815-3831  
Telephone No.: (916) 263-0712  
FAX No.: (916) 263-2697  
E-Mail Address: linda\_kassis@dca.ca.gov

DATED: November 17, 2009

/s/  
Robert I. Kahane, J.D.  
Executive Officer  
Board of Psychology

### RULEMAKING PETITION DECISIONS

#### OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

November 4, 2009

Jeremy Smith  
California Labor Federation  
1127 11<sup>th</sup> Street, Suite 425  
Sacramento, CA 95814-3809

Lora Jo Foo  
Worksafe Law Center  
171 Twelfth Street, Suite 300  
Oakland, CA 94607

Martha Guzman  
California Rural Legal  
Assistance Foundation  
2210 K Street, First Street  
Sacramento, CA 95816

Re: Petition for Regulatory Change

Dear Mr. Smith, Ms. Foo and Ms. Guzman:

We appreciate your interest in the Occupational Safety and Health Appeals Board's efforts to provide greater customer service, and the specific changes to the Board's rules of practice and procedure proposed in your October 5, 2009 letter to further this goal.

We understand your letter to be a petition for regulatory change and, consistent with California Government Code section 11340.7, we are granting your petition to the extent that we will submit these issues to an advisory committee for further discussion. The Board is authorized to adopt rules of practice and procedure pursuant to California Labor Code section 148.7. Because the Board's procedural rules affect a broad population, we believe it is important to seek the input of diverse stakeholders to determine how best to craft any changes

to the existing rules you have addressed in your letter. As a result, we cannot accept the specific changes to Title 8, sections 354, 371.1, 371.2, 376, 376.2, 376.3, and 376.8 you suggested at this time, but we look forward to discussing these issues at the advisory committee meeting.

The Board intends to hold an advisory committee meeting to discuss regulatory changes in January 2010. In order for this project to be successful, it is important that we have strong representation from different stakeholders at the meeting, which requires that we provide adequate notice of the meeting and schedule it at a time that is likely to be convenient for the greatest number of affected groups. Holding the meeting in the first part of 2010 will enhance our ability to fulfill these objectives.

As required by Government Code section 11340.7(d), we will provide a copy of your petition to any interested person who requests it. Anyone having questions about the petition or the Board's response may contact Michael Wimberly at (916) 274-5751.

Sincerely,

/s/

Michael Wimberly  
Executive Officer

**OCCUPATIONAL SAFETY AND  
HEALTH APPEALS BOARD**

November 4, 2009

Arthur G. Sapper  
McDermott & Emery  
600 Thirteenth Street, N.W.  
Washington, D.C. 20005-3096

Re: Petition for Regulatory Change

Dear Mr. Sapper:

Thank you for your recent proposal to amend California Code of Regulations, Title 8, section 356(b)(2), one of the Occupational Safety and Health Appeals Board's rules of practice and procedure. We appreciate you bringing this issue to our attention and believe it has merit.

The Board is authorized to adopt rules of practice and procedure pursuant to California Labor Code section 148.7, and consistent with California Government Code section 11340.7, we are granting your petition for regulatory change to the extent that we plan to notice the proposed amendment to section 356(b)(2) next year when we begin rulemaking on this and other issues.

As required by Government Code section 11340.7(d), we will provide a copy of your petition to

any interested person who requests it. Anyone having questions about the petition or the Board's response may contact me at the number provided above.

Sincerely,

/s/

Michael Wimberly  
Executive Officer

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATION  
(Summary Disposition)**

**(Pursuant to Government Code Section 11340.5  
and  
Title 1, section 270, of the  
California Code of Regulations)**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

Date: November 16, 2009

To: Ricky Gray

From: Chapter Two Compliance Unit

Subject: **2009 OAL DETERMINATION NO.  
26(S)  
(CTU 2009-1001-01)**

(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging California Code of Regulations, title 15, section 3162(b) as an underground regulation.

On October 1, 2009, you submitted a petition to the Office of Administrative Law (OAL) asking for a determination as to whether the California Code of Regulations, title 15, section 3162(b) is an underground regulation. This section provides:

b) Legal duplicating services for an inmate shall be restricted (provided such restrictions will not interfere with the inmate's access to the courts) when that inmate abuses the service to such an extent that other inmates are deprived of the services or it results in an unnecessary expense to the state. The authority to place such restrictions shall not be delegated to staff below the level of correctional captain. The reasons for any restrictions on the services provided an inmate shall be documented on a CDC Form 128-B (Rev. 4.74), General Chrono, and placed in the inmate's central file.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as defined in Government Code section 11342.600<sup>1</sup>, which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an "underground regulation" as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

(a) "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, *but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA* and is not subject to an express statutory exemption from adoption pursuant to the APA. (Emphasis added.)

The section you challenge as an underground regulation, California Code of Regulations, title 15, section 3162(b), was duly adopted as a regulation pursuant to the APA and filed with the Secretary of State on August 18, 1978, in compliance with the APA. Subsequent amendments were also duly adopted pursuant to the APA and filed with the Secretary of State on April 18,

1980 and October 19, 1993. The challenged rule is not, therefore, an underground regulation.<sup>2</sup>

The petition also alleges that California Code of Regulations, title 15, section 3162(b) was not properly enforced as applied to you. OAL does not have the jurisdiction or authority to review and evaluate actions taken by other state agencies pursuant to a duly adopted regulation.

The issuance of this summary disposition letter does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code or to seek declaratory relief pursuant to section 11350 of the Government Code.

/s/

Susan Lapsley  
Director

/s/

George Shaw  
Staff Counsel

Copy: Matthew Cate  
John McClure  
Tim Lockwood

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

<sup>2</sup>A rule which is contained in a properly adopted regulation is the proper subject of a summary disposition letter. California Code of Regulations, Title 1, section 270, subdivision (f) provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review . . . demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be used to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) *The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.* (Emphasis added.)

(D) The challenged rule has expired by its own terms.

<sup>1</sup>A regulation is defined in section 11342.600 as:

. . . every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.



File# 2009-1001-02

BUREAU OF SECURITY AND INVESTIGATIVE SERVICES

Proprietary Private Security Officer Training

The Bureau of Security and Investigative Services (BSIS or the Bureau) currently licenses approximately 4,750 Proprietary Private Security Officers (PPSOs). PPSOs are security officers employed by specific "proprietary" entities, such as Disneyland Corp., Wells Fargo, Staples, Target, restaurants, nightclubs, etc. as opposed to security guards. They are unarmed officers licensed by the Bureau. SB 666 (Chapter 721, Statutes of 2007) imposes a coursework requirement on PPSOs and obligates the Bureau to create a "standard course and curriculum" for the skills training required. The Bureau was to convene an advisory committee consisting of a specific list of individuals to develop the curriculum. They did so and have adopted a new section 645 to title 16 that lists the subjects to be covered and the minimum timeframes for each.

Title 16

California Code of Regulations

ADOPT: 645

Filed 11/12/2009

Effective 12/12/2009

Agency Contact:

Noreene DeKoning (916) 575-7054

File# 2009-1112-04

DEPARTMENT OF FOOD AND AGRICULTURE

Asian Citrus Psyllid Interior Quarantine

This regulatory action expands the existing regulated areas in Riverside and San Diego counties due to the detection of new Asian Citrus Psyllid (ACP) pests in the areas. It adds a new regulated area in San Bernardino of approximately 648 square miles. The Citrus Greening disease, associated with the ACP kills citrus crops and there is no cure for it. The potential for damage is measured in many millions of dollars. There is a federal quarantine requirement. A California quarantine for affected geographical areas can help avoid the necessity for a statewide quarantine that would otherwise be required under federal law.

Title 3

California Code of Regulations

AMEND: 3435(b)

Filed 11/16/2009

Effective 11/16/2009

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2009-1112-03

DEPARTMENT OF FOOD AND AGRICULTURE

Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action expanded the quarantine area around Escondido in San Diego County (by approximately 37 square miles) and established a new quarantine area in the Santa Monica area of Los Angeles County (approximately 65 square miles) and a new quarantine area around Fallbrook, in San Diego County (approximately 79 square miles) with respect to the Mediterranean Fruit Fly. The boundaries were drawn by the U.S. Department of Agriculture, the California Department of Food and Agriculture and the Los Angeles and San Diego Agricultural Commissioners. The quarantine areas are considered to be the minimum area around the detection sites which should be regulated to prevent the artificial spread of this very harmful pest. In addition, this amendment adds seven host plants to the list of regulated articles to more fully address known hosts.

Title 3

California Code of Regulations

AMEND: 3406(b)(c)

Filed 11/16/2009

Effective 11/16/2009

Agency Contact:

Susan McCarthy (916) 654-1017

File# 2009-0930-03

DEPARTMENT OF PUBLIC HEALTH

Building Code Reference (Radiation Shielding Requirements)

This section 100 amendment does the following with respect to section 30305 "Special requirements for the use of x-ray in the healing arts":

1. Deletes reference to two repealed provisions in the California Code of Regulation and replaces them with references to the Code of Federal Regulation that have already been adopted into California regulation in section 30253; and,
2. Renumbers references to title 24 building standards, incorporated by reference in two subsections of 30305 (due to the Building Standards Commissions' renumbering of the provisions).

Title 17

California Code of Regulations

AMEND: 30305

Filed 11/12/2009

Agency Contact: Coleen Keelan (916) 440-7439

File# 2009-1013-03

FAIR POLITICAL PRACTICES COMMISSION

Agency Raffles and Gift Exchanges

The Fair Political Practices Commission amends section 18944.3 and adopts section 18944.4 in Title 2 of the California Code of Regulations relating to agency raffles and gift exchanges.

Title 2  
California Code of Regulations  
ADOPT: 18944.4 AMEND: 18944.3  
Filed 11/12/2009  
Effective 12/12/2009  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2009-1013-04  
FAIR POLITICAL PRACTICES COMMISSION  
Designated Employees and Consultants

The Fair Political Practices Commission adopts sections 18219 and 18734 in Title 2 of the California Code of Regulations relating to disclosure requirements for newly created positions and consultants.

Title 2  
California Code of Regulations  
ADOPT: 18219, 18734  
Filed 11/12/2009  
Effective 01/01/2010  
Agency Contact:  
Virginia Latteri-Lopez (916) 324-3854

File# 2009-1013-01  
FISH AND GAME COMMISSION  
Commercial Herring Fishery

This action amends the beginning and ending dates for the commercial herring fishery in Tomales Bay, sets the herring quota for San Francisco Bay for 2009-2010 at zero, and closes ocean fishing for herring beginning January 1, 2010. The allowable harvest of herring eggs on kelp in San Francisco Bay is being reduced to zero.

Title 14  
California Code of Regulations  
AMEND: 163, 164  
Filed 11/18/2009  
Effective 12/18/2009  
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2009-1005-03  
SECRETARY OF STATE  
Election Recounts Requested By Voters

Secretary of State adopted a new chapter and new articles in Title 2 to implement procedures for recounting ballots. These regulations are applicable to all ap-

proved voting systems and contain rules and instructions for recounts. The regulations establish how ballots are to be recounted, when a requester may request a recount, how a recount is paid for, required security for a recount, who must be allowed to witness the recount and how a challenged ballot is handled.

Title 2  
California Code of Regulations  
ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842  
Filed 11/17/2009  
Effective 12/17/2009  
Agency Contact: Lowell Finley (916) 653-7244

File# 2009-1006-02  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998; CTEFP & Joint Use

On December 17, 2008, the State's Pooled Money Investment Board took action to temporarily halt disbursing cash from the State's Pooled Money Investment Account (PMIA) for capital projects, including school construction projects because of the State's financial situation. The Office of Public School Construction (OPSC) utilizes cash from the PMIA to release State funds for school construction projects that have been approved by the State Allocation Board (SAB). This Certificate of Compliance makes permanent the prior emergency action (OAL file no. 2009-0422-01E) that allows the SAB to make a finding that preliminary apportionments for projects under the Joint-Use Program and the Career Technical Education Facilities Program (CTEFP) are "inactive" until further notice when the OPSC will be able to release state funds for approved school construction projects. For both programs, the amendments authorize the SAB to suspend for up to 12 months the one-year time limit from the date of apportionment/reservation of funds for applicants to submit to the OPSC the necessary project approvals from the Division of State Architect and the California Department of Education.

Title 2  
California Code of Regulations  
AMEND: 1859.129, 1859.197  
Filed 11/16/2009  
Effective 11/16/2009  
Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN June 17, 2009 TO  
November 18, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 2**

11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842  
11/16/09 AMEND: 1859.129, 1859.197  
11/12/09 ADOPT: 18944.4 AMEND: 18944.3  
11/12/09 ADOPT: 18219, 18734  
11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197  
11/09/09 ADOPT: 604 REPEAL: 604  
11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855  
11/03/09 ADOPT: 1859.96 AMEND: 1859.2, 1859.90  
10/01/09 AMEND: 2291, 2292, 2294 ADOPT: 2297  
10/01/09 AMEND: 1898.2, 1898.7  
09/22/09 ADOPT: 18603, 18603.1  
09/22/09 ADOPT: 18901.1 AMEND: 18420.1  
09/18/09 AMEND: 1859.76  
09/17/09 AMEND: 2270, 2271  
09/14/09 AMEND: 588.1, 588.2  
08/31/09 ADOPT: 1859.324.2 AMEND: 1859.302, 1859.324.1, 1859.330  
08/03/09 ADOPT: 647.5, 647.25, 647.36, 647.37.1 AMEND: 647.1, 647.2, 647.3, 647.4, 647.20, 647.20.1, 647.22, 647.23, 647.24, 647.26, 647.30, 647.31, 647.32,

647.33, 647.35, 647.38 REPEAL: 647.25, 647.34

07/30/09 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585  
07/20/09 ADOPT: 721  
07/07/09 AMEND: 18450.4  
07/06/09 AMEND: 18940.2

**Title 3**

11/16/09 AMEND: 3435(b)  
11/16/09 AMEND: 3406(b)(c)  
11/10/09 AMEND: 3434(b)  
10/30/09 AMEND: 3435(b), (c) and (d)  
10/15/09 AMEND: 3434(b)  
10/08/09 AMEND: 3434(b)  
10/08/09 AMEND: 3591.20(a)  
09/24/09 AMEND: 3406(b)  
09/24/09 AMEND: 3434(b)  
09/22/09 AMEND: 6562  
09/15/09 AMEND: 3434(b)  
09/14/09 AMEND: 3435(b)  
09/10/09 ADOPT: 2300.1, 2300.2, 2300.3 AMEND: 2300  
09/09/09 AMEND: 3434(b)  
09/03/09 AMEND: 3434(b)  
09/01/09 AMEND: 3435(b)  
08/28/09 AMEND: 3434(b)  
08/27/09 AMEND: 3435(b)  
08/27/09 AMEND: 3588  
08/26/09 AMEND: 6400, 6502, 6620, 6626(a)–(b), 6626(c), 6627, 6670, 6672, 6736, and incorporated by reference forms  
08/20/09 AMEND: 3406(b)  
08/20/09 AMEND: 3591.13(a)  
08/13/09 AMEND: 3434(b)  
08/13/09 AMEND: 6618, 6619, 6761.1, 6770, 6771  
08/12/09 ADOPT: 902.15  
08/07/09 AMEND: 3406(b)  
08/05/09 AMEND: 3434(b), 3434(c)  
08/04/09 AMEND: 3423(b)  
07/31/09 ADOPT: 3436  
07/24/09 AMEND: 3434(b)  
07/22/09 ADOPT: 3591.23  
07/22/09 AMEND: 3406(b)  
07/21/09 AMEND: 3591.2(a)  
07/20/09 AMEND: 3591.20(a)  
07/13/09 AMEND: 625  
07/07/09 AMEND: 3435  
07/02/09 AMEND: 3423(b)  
06/30/09 AMEND: 3434(b)  
06/22/09 AMEND: 3434(b)  
06/19/09 AMEND: 3591.20(a)

**Title 4**

10/27/09 AMEND: 8034, 8035, 8042, 8043  
 10/20/09 AMEND: 1606  
 10/07/09 AMEND: 7030, 7034, 7035, 7037, 7038, 7042, 7044, 7045, 7046, 7048, 7049, 7050  
 08/25/09 ADOPT: 12380, 12381, 12384, 12385, 12386 AMEND: 12360  
 08/04/09 AMEND: 1853  
 07/31/09 AMEND: 10020  
 07/31/09 ADOPT: 7051, 7052, 7053, 7054, 7055, 7056, 7057, 7058, 7059, 7060, 7061, 7062, 7063, 7064, 7065, 7066, 7067, 7068, 7069, 7070, 7071  
 07/21/09 AMEND: 1979, 1979.1  
 07/21/09 REPEAL: 1950.1  
 06/25/09 ADOPT: 12486  
 06/22/09 ADOPT: 8078.1 AMEND: 8070, 8072, 8076, 8078

**Title 5**

11/03/09 AMEND: 1200, 1204.5, 1207, 1207.5, 1210, 1211.5, 1215, 1215.5, 1216 REPEAL: 1207.2  
 08/20/09 ADOPT: 19825.1 AMEND: 19816, 19816.1, 19825, 19825.1 (renumber to 19825.2)  
 07/21/09 ADOPT: 43200  
 07/21/09 ADOPT: 43220  
 07/21/09 AMEND: 42920  
 07/21/09 ADOPT: 40411  
 07/09/09 AMEND: 18100  
 07/03/09 ADOPT: 80027.1, 80048.7 AMEND: 80027  
 06/29/09 ADOPT: 19821.5, 19825.1, 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846

**Title 8**

11/04/09 AMEND: 9771, 9778, 9779, 9779.5 REPEAL: 9779.9  
 10/28/09 AMEND: 3333, 3650  
 10/26/09 AMEND: 5306  
 10/22/09 AMEND: 3277  
 10/07/09 AMEND: 2395.6  
 08/31/09 AMEND: 3385  
 08/27/09 AMEND: 3400  
 07/31/09 AMEND: 1637, 1646  
 07/27/09 AMEND: 5006.1  
 07/24/09 AMEND: 3466  
 07/23/09 AMEND: 1598, 1599  
 07/06/09 ADOPT: 5199  
 07/06/09 ADOPT: 5199.1  
 06/22/09 AMEND: 230.1

06/18/09 ADOPT: 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24, 9792.24.1, 9792.24.2, 9792.24.3, 9792.25, 9792.26 AMEND: 9792.20, 9792.21, 9792.22, 9792.23

**Title 9**

11/04/09 ADOPT: 3200.125, 3200.215, 3200.217, 3200.253, 3200.254, 3200.255, 3200.256, 3200.275, 3200.276, 3200.320, 3200.325, 3550, 3810, 3820, 3830, 3840, 3841, 3842, 3843, 3844, 3844.1, 3845, 3850, 3851, 3851.1, 3852, 3853, 3854, 3854.1, 3854.2, 3856 AMEND: 3310, 3510  
 10/26/09 ADOPT: 4350  
 09/22/09 ADOPT: 7213.4, 7213.5, 7213.6, 7214.1, 7214.2, 7214.3, 7214.4, 7214.6, 7214.8, 7215.1, 7216.1, 7216.2, 7220.3, 7220.5, 7220.7 AMEND: 7213, 7213.1, 7213.2, 7213.3, 7214, 7215, 7216, 7218, 7220, 7221, 7224, 7225, 7226, 7226.1, 7226.2, 7227, 7227.1, 7227.2 REPEAL: 7219  
 09/14/09 ADOPT: 4000, 4005  
 08/04/09 AMEND: 7331  
 06/29/09 ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533  
 06/26/09 ADOPT: 7212.1, 7212.2, 7212.3, 7212.4 AMEND: 7210, 7211, 7212

**Title 10**

11/10/09 AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217, 260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11  
 10/29/09 AMEND: 2699.6809  
 10/29/09 AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725  
 10/26/09 AMEND: 2632.9  
 10/26/09 AMEND: 2695.85  
 10/15/09 AMEND: 2632.5  
 10/06/09 ADOPT: 2728, 2773, 2903 AMEND: 2731, 2848, 2930 REPEAL: 2728, 2755  
 09/29/09 AMEND: 2699.6625  
 09/24/09 AMEND: 260.004, 260.017.1, 260.102.14, 260.165, 260.210, 260.211, 260.230.1, 260.236, 260.236.1, 260.237.2, 260.240, 260.241.3 REPEAL: 260.101, 260.103.3, 260.237.1



09/23/09	AMEND: 260.102.8(b), 260.103.6, 260.105.15, 260.113, 260.140.8(b)(4), 260.140.42(e), 260.140.71.2, 260.140.114.1(c), 260.151(a), 260.236(c)(3)(C), 260.608, 1457(d), 1950.122.1, 2020(c), 2030, Note after Subchapter 6 REPEAL: 250.50, 250.51	08/12/09	AMEND: 2020(b)
09/17/09	AMEND: 2699.6805	07/29/09	AMEND: 599
08/19/09	AMEND: 2699.6707, 2699.6711, 2699.6721, 2699.6723, 2699.6725, 2699.6809	07/17/09	AMEND: 2111, 2112, Appendix A, 2139, 2147, 2440, 2441, 2442, 2443.1, 2443.2, 2443.3, 2444.1, 2444.2, 2445.1, 2445.2, 2446, 2447, 2474, Documents Incorporated by Reference REPEAL: 2448
08/04/09	ADOPT: 2355.1, 2355.2 AMEND: 2359.4 amended and renumbered to 2355.3, 2359.7 renumbered to 2355.4, 2359.8 renumbered to 2355.5 REPEAL: 2355.1, 2355.2, 2355.3, 2355.4, 2355.5, 2355.6, 2355.7, 2355.8, 2356.1, 2356.2, 2356.3, 2356.4, 2356.5, 2356.6, 2356.7, 2356.8, 2356.9, 2357.1, 2357.2, 2357.3, 2357.4, 2357.5, 2357.6, 2357.7, 2357.8, 2357.9, 2357.10, 2357.11, 2357.12, 2357.13, 2357.14, 2357.15, 2357.16, 2357.17, 2357.18, 2357.19, 2358.1, 2358.2, 2358.3, 2358.4, 2358.5, 2358.6, 2358.7, 2358.8, 2358.9, 2359.1, 2359.2, 2359.3, 2359.5, 2359.6	06/29/09	AMEND: 2702, 2704
07/29/09	ADOPT: 2194.50, 2194.51, 2194.52, 2194.53, 2194.54, 2194.55	<b>Title 14</b>	
07/14/09	ADOPT: 2359.8	11/18/09	AMEND: 163, 164
07/09/09	AMEND: 2797	10/29/09	AMEND: 551
07/06/09	AMEND: 250.30	10/27/09	AMEND: 938.8
06/24/09	AMEND: 2498.4.9	10/27/09	ADOPT: 1530.05 AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567
06/24/09	AMEND: 2498.4.9	10/26/09	ADOPT: 1091.15 AMEND: 1091.9
06/24/09	AMEND: 2498.4.9	10/22/09	ADOPT: 749.5
06/24/09	AMEND: 2498.4.9	10/20/09	ADOPT: 6594, 6594.1, 6594.2, 6594.3, 6594.4, 6594.5, 6594.6, 6594.7, 6594.8, 6594.9, 6594.20, 659.21, 6594.22, 6594.23, 6594.24, 6594.25, 6594.26, 6594.27, 6594.40, 6594.41, 6594.42, 6594.43, 6594.44, 6594.45, 6594.46, 6594.47
<b>Title 11</b>		10/20/09	AMEND: 300
11/09/09	AMEND: 1005, 1007, 1008	10/07/09	AMEND: 122
10/14/09	AMEND: 9052(c), 9053(b), 9053(c), 9053(e)(5)(A)4, 9053(e)(10)(A), 9053(e)(10)(B), 9054(e)(4), 9057(b), 9059(b), 9059(c), 9059(e)(9)(A), 9059(e)(9)(B), 9060(e)(4)	10/05/09	AMEND: 670.5
<b>Title 12</b>		09/15/09	AMEND: 502
10/13/09	ADOPT: 600 REPEAL: 600	08/25/09	AMEND: 257, 300, 311, 313
09/17/09	ADOPT: 508	08/24/09	ADOPT: 749.4
<b>Title 13</b>		07/14/09	AMEND: 124
10/20/09	AMEND: 2433	07/13/09	AMEND: 163
10/13/09	ADOPT: 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359	06/23/09	AMEND: 3959(b)(4)
09/16/09	ADOPT: 2468, 2468.1, 2468.2, 2468.3, 2468.4, 2468.5, 2468.6, 2468.7, 2468.8, 2468.9, 2468.10	06/23/09	ADOPT: 4351.1 AMEND: 4351
09/01/09	AMEND: 2222	<b>Title 15</b>	
08/24/09	AMEND: 2193	10/23/09	ADOPT: 3999.8
		10/14/09	AMEND: 3045.2
		10/06/09	AMEND: 3000, 3173.1, 3176, 3176.3, 3315, 3323
		09/29/09	AMEND: 3341.5
		08/18/09	ADOPT: 1800, 1806, 1812, 1814, 1830, 1831, 1840, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1856, 1857, 1860, 1866, 1867, 1868, 1870, 1872, 1876, 1878, 1888, 1890, 1892
		08/11/09	AMEND: 2253
		08/11/09	ADOPT: 3650, 3651, 3652, 3653, 3654 REPEAL: 3652.1
		07/28/09	ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4 AMEND: 3000, 3043.6, 3375
		06/17/09	ADOPT: 3640, 3730 AMEND: 3500, 3501, 3502, 3600, 3610, 3620, 3625, 3630, 3740
		06/17/09	ADOPT: 3099

**Title 16**

11/12/09 ADOPT: 645  
 11/05/09 ADOPT: 3340.42.2 AMEND: 3340.17, 3340.42  
 10/08/09 AMEND: 1888  
 10/07/09 ADOPT: 1399.90, 1399.91, 1399.92, 1399.93, 1399.94, 1399.95, 1399.96, 1399.97, 1399.98, 1399.99 REPEAL: 1399.50, 1399.52  
 10/05/09 ADOPT: 1399.514  
 09/16/09 ADOPT: 1950.1 AMEND: 1984  
 09/16/09 ADOPT: 1399.720, 1399.721, 1399.722, 1399.723, 1399.724, 1399.725  
 09/08/09 AMEND: 2310  
 08/24/09 AMEND: 4161  
 08/11/09 AMEND: 2504.1, 2517.5, 2537, 2540.6, 2564.1, 2575.5, 2590, 2592.6  
 08/05/09 AMEND: 995  
 08/05/09 AMEND: 1399.15  
 08/04/09 ADOPT: 1773.5 AMEND: 1773  
 07/28/09 AMEND: 4110  
 07/27/09 AMEND: 4130  
 07/24/09 AMEND: 1391.10, 1391.12  
 07/24/09 AMEND: 1387, 1387.6  
 07/17/09 AMEND: 1999.5  
 06/26/09 ADOPT: 2611 AMEND: 2606, 2614, 2615, 2616, 2621, 2649 REPEAL: 2612, 2613, 2623  
 06/26/09 AMEND: 426.51

**Title 17**

11/12/09 AMEND: 30305  
 11/10/09 ADOPT: 100502  
 10/15/09 ADOPT: 1230 REPEAL: 1230  
 09/22/09 AMEND: 2500, 2502, 2505  
 09/18/09 AMEND: 100500  
 09/01/09 ADOPT: 95360, 95361, 95362, 95363, 95364, 95365, 95366, 95367, 95368, 95369, 95370  
 08/19/09 ADOPT: 100081  
 08/13/09 AMEND: 6500.74, 6500.77  
 06/18/09 AMEND: 94508, 94509, 94510, 94512, 94513, 94515

**Title 18**

09/29/09 AMEND: 1620  
 07/30/09 AMEND: 1668

**Title 19**

11/06/09 AMEND: 901, 905, 905.2, 906.3

**Title 20**

08/03/09 AMEND: 1670, 1671, 1672, 1673, 1674, 1675  
 07/10/09 AMEND: 1601, 1602, 1604, 1605.3, 1606

07/10/09 AMEND: 1601, 1602, 1603, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608

06/23/09 AMEND: 3.1, 3.2, 4.3, 8.6, 10.3, 11.3, 13.2

**Title 21**

10/06/09 ADOPT: 1412.1, 1412.2, 1412.3, 1412.4, 1412.5, 1412.6, 1412.7, 1412.8, 1412.9

09/16/09 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711

06/22/09 ADOPT: 7700, 7701, 7702, 7703, 7704, 7705, 7706, 7707, 7708, 7709, 7710, 7711

**Title 22**

08/31/09 ADOPT: 2706-7

07/31/09 AMEND: 80001, 85002 and 85068.4

07/23/09 AMEND: 120201

07/22/09 AMEND: 51529

07/20/09 AMEND: 68201, 68202, 68205, 68206, 68207, 68208, 68209, 68210, 68211, and Appendix 1 to Article 1 of Chapter 47

07/13/09 AMEND: 66273.3, 66273.39

06/17/09 AMEND: 926-3, 926-4, 926-5

**Title 23**

11/04/09 ADOPT: 2631.2

11/02/09 ADOPT: 3919.5

10/21/09 AMEND: 1062, 1064, 1066, 1070

10/06/09 AMEND: 3939.2

09/30/09 ADOPT: 570, 571, 572, 573, 574, 575, 576

09/30/09 AMEND: 3939.2

09/16/09 ADOPT: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37 REPEAL: 2814.20, 2814.21, 2814.22, 2814.23, 2814.24, 2814.25, 2814.26, 2814.27, 2814.28, 2814.29, 2814.30, 2814.31, 2814.32, 2814.33, 2814.34, 2814.35, 2814.36, 2814.37

09/15/09 ADOPT: 2910.1

09/15/09 ADOPT: 3989.9

09/10/09 ADOPT: 490.1, 492.1, 492.2, 492.3, 492.4, 492.5, 492.6, 492.7, 492.8, 492.9, 492.10, 492.11, 492.12, 492.13, 492.14, 492.15, 492.16, 492.17, 493.1, 493.2 AMEND: 490, 491, 492, 493, 494 REPEAL: 495

08/05/09 ADOPT: 3959.2

07/09/09 ADOPT: 3959.3

06/25/09	ADOPT: 3989.8	<b>Title 27</b>	
<b>Title 25</b>		10/26/09	AMEND: 25102(d)
10/29/09	AMEND: 1008	07/23/09	AMEND: 25204
10/15/09	ADOPT: 4100, 4102, 4104	<b>Title MPP</b>	
09/17/09	AMEND: 637	11/10/09	AMEND: 31-002, 31-003 and 31-502
09/17/09	AMEND: 1008	09/22/09	AMEND: 40-107, 42-213, 89-130
09/08/09	ADOPT: 7980, 7980.1, 7982, 7982.1, 7982.2, 7982.3, 7982.4, 7983, 7983.1, 7983.2, 7983.3, 7983.4, 7983.5, 7984, 7984.1, 7984.2	08/31/09	ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
08/19/09	ADOPT: 4200, 4202, 4204, 4205, 4206, 4208, 4210, 4212, 4214, 4216	07/06/09	ADOPT: 31-003, 31-502 AMEND: 31-002
		06/29/09	AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306